

FARMINGTON CITY PLANNING COMMISSION

Thursday, June 8, 2006

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John, Bilton, Andrew Hiller, Kevin Poff, Planner David Petersen, and Recording Secretary Jill Hedberg. Cory Ritz, Rick Wyss and Paul Barker were excused.

Chairman Talbot called the meeting to order at 6:30 P.M. The following items were reviewed:

Agenda Item #3: Public Hearing: Fishburn Development and Land Consulting, Lane Fishburn - Applicant is requesting a recommendation for schematic plan approval for the "Farmington Manor Subdivision" consisting of 8 lots on 2.78 acres located at the east end of 1175 North Street (a dead-end street accessed from 700 West Street) in an LR zone (S-12-06)

David Petersen said a similar application was received in 1996. The application was denied because the Commission determined that it violated the City's 1,000 foot dead-end street ordinance. The current applicant hopes the Commission will make an exception for the proposed subdivision if he provides a temporary access.

The Planning Commission discussed the proposal. They agreed the application should have a significant difference from the 1996 application if they are to make a decision contrary to the decision made by the Planning Commission in 1996. They also felt it is important for the Fire Chief to review the proposal prior to action being taken. They discussed the fact that the property owner may be paying a higher tax amount than necessary. **Mr. Petersen** said he sent a letter to the tax assessor in the past and would be willing to meet with the County if necessary.

Agenda Item #4: Public Hearing: John Cahoon and David Bray - Petitioners are requesting a recommendation to amend the Bray Subdivision by vacating two existing lots and recording two smaller lots, and a parcel on the west side of the subdivision to be developed in the future. The subdivision is located at approximately 1950 North Compton Road in an LR-F zone (S-13-06).

David Petersen said **John Cahoon** owns two deep lots that are platted on a subdivision plat. Some of the lots in Oakwood Estates have received plat approval but there are still unplatted parcels. He passed out a copy of the preliminary plat that was approved by the Planning Commission. They granted preliminary plat approval except for lots 4, 5 and part of 6. The Oakwood Estates property owners would now like to create cul-de-sacs and have submitted an application for schematic plan approval to modify the previously approved preliminary plat. **Mr. Cahoon** would like to have two platted lots up front and a parcel to be developed in the future. He has submitted a petition to amend his plat. The only way to receive access is to negotiate with the Oakwood Estates property owners.

Mr. Petersen reviewed the “Possible Motions”. He said **Gary Wright**, a developer and father-in-law of John Cahoon, spoke with him and did not think it should matter whether the lots have been platted. He said it may be wise to discuss the issue with the City Attorney.

Rob Dale (Oakwood Estates Subdivision) said his partnership has been trying to negotiate a fair price with the applicant for several months. If they are to provide the street access, it will cost them the price of a lot which is valued at \$250,000.00. The applicant is no longer returning their phone calls. He said the applicant is attempting to land lock their own property which would force the developer to put in the road which would cause them to lose a lot. The lots are platted. As a real estate attorney, he agrees with the Ordinance and the Statute that was submitted by City staff. He said the partnership has filed a request to create cul-de-sacs on their property.

Lonnie Bullard said he submitted two sets of engineering plans to the applicant in an attempt to find a solution that works for both parties. He has not received a response from the applicant.

MISCELLANEOUS

Dan Nixon Storage Rental Proposal Discussion

David Petersen said **Mr. Nixon** would like to explain his storage unit proposal since there are new members on the Planning Commission.

The Cottages at Station Park Possible Discussion Item

Members of a Planning Commission subcommittee previously met with the developer of The Cottages at Station Park so the discussion is not necessary.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John, Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Planner David Petersen, and Recording Secretary Jill Hedberg. Rick Wyss and Paul Barker were excused.

Chairman Talbot called the meeting to order at 7:00 P.M. **Andrew Hiller** offered the invocation.

APPROVAL OF MINUTES

Kevin Poff moved that the Planning Commission approve the minutes of the May 25, 2006, Planning Commission Meeting. **John Bilton** seconded the motion with changes as noted. The Commission voted unanimously in favor. Andrew Hiller abstained due to his absence at the previous meeting.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on June 6, 2006. He covered the following items:

- The City Council considered an Ordinance amending and recodifying Chapter 5 of Title 6 regarding Sexually Oriented Businesses (SOB). They tabled consideration of the S.O.B. zone to allow certain items to be reviewed by the City Attorney
- The City Council authorized the vacation of a portion of the original Clark Lane street right of way adjacent to the City's Public Works and Leisure Services Building west of 650 West Street.
- The City Council approved a request for a boundary line adjustment of the north side of lots on Dandelion Circle (Old Shepard Creek Subdivision) and adjacent Leonard property at approximately 1480 North Main Street.

PUBLIC HEARING: FISHBURN DEVELOPMENT AND LAND CONSULTING, LANE FISHBURN - APPLICANT IS REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR THE "FARMINGTON MANOR SUBDIVISION" CONSISTING OF 8 LOTS ON 2.78 ACRES LOCATED AT THE EAST END OF 1175 NORTH STREET (A DEAD-END STREET ACCESSED FROM 700 WEST STREET) IN AN LR ZONE (S-12-06) (Agenda Item #3)

Background Information

The property owner submitted an application for the Moon Farms Subdivision, which consisted of a single cul-de-sac, on June 6, 1996. Full development of the proposed cul-de-sac was not possible. The Commission determined that it violated the City's 1000 foot dead-end street ordinance because the only independent point of access for this subdivision was located on Shepard Lane. Therefore, they only granted preliminary plat approval for the first phase on June 13, 1996. The ordinance has not changed and the street patterns in the area and access to the subdivision remain the same. Nevertheless, a developer is now requesting an exception to the dead-end street standard. Section 12-7-040(4)(c)(iii) of the Subdivision Ordinance states:

Exceptions to the requirement for a second point of independent access may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it

impossible to provide a second access which complies with street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services.

Does the new plan, which is the same as the old plan, meet these standards? A previous Planning Commission and City Council determined that it did not. But this time the property owner suggests that development on Hess property south of the site is imminent and can the Commission provide a different recommendation due to the reason that this circumstance did not exist in 1996?

The Planning Commission later granted preliminary plat approval, October 10, 1996, for the second phase of the project after the property owner abandoned the cul-de-sac plan and showed a street stubbing to the southeast corner of the project. However, the final plat was never approved because the 1,000 foot dead-end street limitation was in place. The preliminary plat for the second phase eventually expired.

If the aforementioned issues are resolved to the satisfaction of the City, the Planning Department is recommending that the Commission not consider schematic plan approval until comments are received from all appropriate public and private entities, and a subdivision yield plan is prepared pursuant to Chapter 12 of Title 11 for review and approval by the City staff (or a request for waiver of open space requirements is concurrently approved by the City).

END OF PACKET MATERIAL.

David Petersen showed an overhead of the Vicinity Map. He reviewed the "Background Information". He showed an overhead of the proposed development and similar subdivision layout which received preliminary plat approval in 1996. **Mr. Fishburn** feels his application is different since he is willing to provide a temporary dirt road. **Mr. Petersen** said the application is very similar to the application that was denied in 1996.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Lane Fishburn (799 West Mill Shadow Drive, Kaysville) said he thinks it is eminent that the property to the south will be developed. He displayed a Vicinity Map and explained his proposal. He said the City Planner informed him that similar dirt roads have been approved by the City in the past. He feels his proposal will bring his schematic plan into compliance with the City Ordinance. His proposal will include a 25' gravel road which will connect with Mr. White's property. The Whites are not opposed to the proposal. He said **Mrs. Johnson** is not opposed to the proposal but **Mr. Johnson** has questions he would like answered. **Mr. Fishburn** asked that

the temporary road be considered a plausible solution, so long as he can obtain easements from the Johnson and White families.

Tom Schumucker (1175 North 657 West) said the property to the south has been vacant since 1996. It is unknown when it will be developed. He is concerned about how long it will be until the temporary road is made permanent. He suggested that the Fire Chief review the proposal prior to action being taken.

Rich Love (1188 North 700 West) said the City would benefit if the temporary turn around was completed. He said the adjacent property owners are willing to sell and are actively pursuing a buyer for the property. They will be within the City's requirements when 700 West is connected.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

In response to a question, **David Petersen** said he thinks the alternate temporary dirt road route should be further reviewed. The proposal should also be reviewed by the Fire Chief and the Public Works department. There may be a solution that would benefit the neighborhood as a whole since several property owners do not think their lots are wide enough. He said there appears to be a hill located on the property and suggested that the applicant consider a way to reduce the slope to less than 10%.

John Bilton said he felt the Fire Chief should review the proposal. He said it would be difficult to grant approval prior to the adjacent property being sold.

Lane Fishburn said the application is legal and similar situations that have been approved in the past.

David Petersen said the application could be plausible but he has concerns about the steep slope and sharp corners. He suggested that the developer meet with Clayne White, an adjacent property owner, the City Engineer, and the Fire Chief to determine whether the request is reasonable.

Jim Talbot said he is uncomfortable going against a previous Planning Commission's decision since there has not been a significant change since the 1996 application. He said it may be possible to proceed if the easements are put into place.

John Bilton said he understood the concerns of the Love family relating to the increased property taxes. He suggested that the Loves work with City staff in an attempt to remedy the problem.

Motion

Kevin Poff moved that the Planning Commission table consideration of the Schematic Plan until the issues can be resolved with the City staff, these include but are limited to the following:

- The Fire Chief, Public Works Department and City Engineer review and provide a recommendation regarding the temporary dirt road access proposal
- The Developer meet with the City Engineer to discuss concerns of the steep slope and sharp corners to determine if this request is reasonable
- This alternate route must be further discussed

John Bilton seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: JOHN CAHOON AND DAVID BRAY - PETITIONERS ARE REQUESTING A RECOMMENDATION TO AMEND THE BRAY SUBDIVISION BY VACATING TWO EXISTING LOTS AND RECORDING TWO SMALLER LOTS, AND A PARCEL ON THE WEST SIDE OF THE SUBDIVISION TO BE DEVELOPED IN THE FUTURE. THE SUBDIVISION IS LOCATED AT APPROXIMATELY 1950 NORTH COMPTON ROAD IN AN LR-F ZONE (S-13-06) (Agenda Item #4)

Background Information

1. The existing Bray Subdivision is presently comprised of two building lots.
2. The proposed amended plat provides no frontage on a fully improved dedicated street for Parcel A.
3. Portions of the proposed amended plat are included within a previously approved preliminary plat for the Oakwood Estates Phase II Subdivision adjacent to the south boundary of the Bray Subdivision.
4. The preliminary plat for the Oakwood Estates Phase II Subdivision is an exhibit to a development agreement between the City and the developers of said subdivision.
5. In order for Parcel A to be developed, appropriate access will need to be provided.
6. Staff has been contacted by adjacent property owners who stated their belief that they will be damaged should Parcel A be allowed to be created.

7. The northern boundary of the Bray Subdivision is adjacent to the Shepard Creek Flood Way owned by Davis County. The General Plan identifies future uses for this area, including the northern portion of the Bray property, as “Public Private Recreation Open Space and/or Parks, Very Low Density”. The petitioners have not provided a schematic plan for Parcel A. Therefore, it is not known whether or not their plat amendment proposal is consistent with the General Plan.

END OF PACKET MATERIAL.

David Petersen displayed an overhead of the Vicinity Map. He said the Bray property was platted in the late 90's. The subdivision is made up of two lots which front North Compton Road. He displayed an overhead illustrating where the Oakwood Estates SUBDIVISION is located which is an adjacent development. He reviewed the three different preliminary plats that had been submitted for this development. He said Oakwood Estates still has unplatted land.

Mr. Petersen explained that in order for **Mr. Cahoon** to receive access, he would have to unplat the lots. He reviewed the “Possible Motions”. He also reviewed the following:

***Section 12-7-030(2) of the Subdivision Ordinance states:** All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least fifty percent (50%) of its minimum required width except for flat lots which shall have a minimum of twenty feet (20') of frontage. Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.*

***Section 10-9a-609(2) of the State Code states:** If the land use authority is satisfied that neither the public interest nor any person will be materially injured by the proposed vacation, alternation or amendment, and that there is good cause for the vacation, alteration or amendment, the land use authority may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.*

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

John Cahoon (1961 North Compton Road) said he would like to purchase the western portion of the Bray property (which is adjacent to his home) so he has the option to relocate in the future. **Mr. Bray** agreed to sell him the property. When he approached a principal of the

Oakwood Estates Subdivision, he was told he would have to pay them \$350,000 to access the property or they would land lock the property (which is why he feels the cul-de-sac application was submitted by the partnership). He said the partnership also threatened to land lock **David Bray** when he would not sell his property since the partnership offered unfair terms. He feels the terms being offered by the developers are extortion. The developer only provided the access that was necessary for the City. He would like to build on the property when the subdivision occurs and feels the Oakwood Estates developers should be required to meet the intent of the first preliminary plat that was submitted to the City. He reviewed a proposal which would provide access to his lot without the Oakwood Estates Subdivision losing a lot.

Lonnie Bullard (539 West Oakwood Place, Farmington) said events did not occur the way the applicant suggested. He explained that they were not able to create two cul-de-sacs in the past because of the 1000 foot dead-end street requirement. The City Engineer told them to re-approach the City in the event North Compton Road goes through (which has since taken place). They have not stated their plans for the property because there are four property owners who have not all agreed to the plan. They have considered two different plans in an attempt to provide access to the applicant's property without costing them. He said he has attempted to discuss the plans with **Mr. Cahoon** but he has not returned his calls.

Robert Dale (1891 North Compton road, Farmington) said he is not extorting the adjacent properties. He only attempted to purchase the Bray property in an effort to help them receive access. He said the applicants are attempting to land lock a parcel of their own property which the City Ordinance does not allow. If the road is pushed through, Oakwood Estates will lose the value of the \$250,000 lot, in addition to the cost to construct the road which is \$100,000. He said they paid \$4,000 in engineering fees to show how they could incorporate **Mr. Cahoon** into the development. They have always wanted to develop two cul-de-sacs. There is nothing in the Development Agreement that binds them to the preliminary plat. From a legal stand point, the City does not have the right to subdivide a platted lot that does not have access. The Oakwood Estates developers will be effected materially since they will lose a lot. He said he is willing to meet with the applicant and work to find a solution that is acceptable to both parties.

Anne Dale (1891 North Compton) said the developers of the Oakwood Estates have always wanted to create two cul-de-sacs but they did not make their intentions clear to the applicants. She is regretful that there was a lack of communication. A professional analysis was done by an engineer who figured the \$350,000 amount which includes the cost of the lot and the cost to construct the road.

John Cahoon agreed there has been a lack of communication. He is willing to pay for his share of the road and is also willing to put a portion of the cul-de-sac on his property when the development occurs. He said he was told by major Utah developers that the proposed price was extortion. He publically apologized for calling them extortionists.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

Jim Talbot reviewed the possible motions which follow the recommendation of City staff and the confines of the law.

Kevin Poff said the Planning Commission is unable to grant the request since there is not access to the parcel.

John Bilton said the Planning Commission is legally bound to table or deny the request. He suggested that a future application include access without the possibility of properties being land locked.

Andrew Hiller said he would like a solution to be found which works for all parties involved. He suggested that the application be tabled to allow the parties to communicate.

Jim Talbot said if the application is resubmitted prior to all of the issues being resolved, the request will likely be denied.

Motion

John Bilton moved that the Planning Commission table consideration of the request to allow time for the owners of the Bray Subdivision and adjoining property owners to work out a mutually acceptable arrangement. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Kevin Poff said it should be noted that he is opposed to homes or roads being constructed on slopes.

MISCELLANEOUS

Dan Nixon Storage Rental Proposal Discussion

David Petersen said **Dan Nixon** is proposing a Class A storage unit complex in the elbow of U.S. 89 on the north side of Park Lane. He illustrated where the property is located.

[Cory Ritz arrived at 8:17 P.M.]

David Petersen said the previous Planning Commission was opposed to storage units

being constructed in the CMU zone since the area is valuable. They struck the storage unit use from the CMU text but it was put back in by the City Council. **Mr. Nixon** is willing to draft text for Chapter 28 of the Ordinance which could be considered at the next meeting.

Dan Nixon (895 Wall Avenue, Ogden) said he has developed four storage unit facilities in the Weber/Davis market and is in the process of developing two more. He reviewed the history/market information for self storage facilities using a slide show presentation. He explained that the storage unit facility will be a “3rd generation/Class A facility”. He reviewed the proposed elevations for the Farmington property. They plan to apply for a variance to meet the lot line. He explained the benefit of developing storage units in a residential/commercial area. The proposed property is 3.1 acres. Greg Bell deeded them a portion of the wetlands which will be enhanced.

Jim Talbot asked if the storage units will be visible from Park Lane.

Dan Nixon said the metal roof will be visible. He would like flexibility regarding the pitch of the roof.

Jim Talbot suggested that **Mr. Nixon** consider screening the roof. He said a pitched roof will blend better with the residential area.

Kevin Poff said the elevations that were previously submitted were more conducive to the neighborhood. He felt a less industrial look would be better accepted by the public.

Cory Ritz said he would not likely be in favor of a zero lot line since the zoning has not yet been determined.

Jim Talbot suggested that a landscaped buffer be provided. He requested that **Mr. Nixon** allow the Planning Commission to view the elevations for the Clinton storage unit facility when the application is submitted.

The Cottages at Station Park Discussion

Members of the Planning Commission met with the developer of The Cottages at Station Park so the discussion is not necessary.

Tree Requirement

Mr. Petersen passed out a copy of the first draft for the proposed tree ordinance. **Kevin Poff** agreed to attend the meeting to discuss the Ordinance.

Jim Talbot suggested that the committee carefully consider the type of trees that will be

allowed, as well as the location where the trees will be planted so the trees do not interfere with the sidewalks and power lines.

Cory Ritz suggested that larger developments include a variety of tree types.

ADJOURNMENT

Kevin Poff moved that the Planning Commission adjourn at 8:44 P.M.

Jim Talbot, Chairman
Farmington City Planning Commission